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Panama

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	ICERD (1967) ICESCR (1977) ICCPR (1977) ICCPR-OP 2 (1993) CEDAW (1981) CAT (1987) CRC (1990) OP-CRC-AC (2001) OP-CRC-SC (2001) CRPD (2007)	OP-CAT (2011) ICPPED (2011)	ICRMW
Reservations and/or declarations	CAT (Reservation, art. 30, para. 1, 1987) OP-CRC-AC (Declaration, art. 3, para. 2, age of recruitment 18, 2001)		
Complaints procedures, inquiries and urgent action[3]	ICCPR-OP 1 (1977) OP-CEDAW, art. 8 (2001) CAT, art. 20 (1987) OP-CRPD, art. 6 (2007)		ICERD, art. 14 OP-ICESCR ICCPR, art. 41 CAT, arts. 21 and 22 OP-CRC-IC ICRMW ICPPED, arts. 31 and 32

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol[4] Conventions on refugees[5] Geneva Conventions of 12 August 1949 and Additional Protocols I and II[6] ILO fundamental conventions[7] UNESCO Convention against Discrimination in Education	Conventions on stateless persons[8] (2011) Additional Protocol III to the 1949 Geneva Conventions[9] (2012)	ILO Conventions Nos. 169 and 189[10]

1. In 2011, the Committee on the Rights of the Child (CRC) took note of the commitment of Panama, under the universal periodic review (UPR), to ratify the core United Nations human rights treaties and the optional protocols thereto to which it was not

yet a party.[11] The United Nations country team (UNCT) states that the State has ratified several international instruments since 2010,[12] although the recommendations from the first cycle of the universal periodic review regarding ratification of certain instruments (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Ibero-American Convention on the Rights of Youth) are still awaiting implementation.[13] UNCT also states that Panama does not recognize the competence of some committees to consider individual cases, including the Committee on Enforced Disappearances, the Committee against Racial Discrimination and the Committee against Torture.[14] UNCT encourages the State to consider ratifying the above-mentioned international instruments.[15]

2. In 2014, the Special Rapporteur on the rights of indigenous peoples recommended that Panama proceed with the ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[16] UNCT[17] and CRC[18] made similar recommendations.

B. Constitutional and legislative framework

3. UNCT encourages the State to step up its efforts to bring its national legislation into line with its international obligations by preparing a legislative development plan.[19]

4. UNCT highlights the need for legislation on comprehensive protection of children's and adolescents' rights.[20] In 2011, CRC noted that a draft comprehensive law on child rights had been submitted to Congress in 2007, but was still pending approval.[21] It recommended that the law establish principles and rules of interpretation in accordance with the Convention.[22]

5. UNCT commends Panama on its accession in 2011 to the two conventions on stateless. Establishment of a national mechanism for the determination of the status of statelessness is still pending. UNCT recommends the speedy adoption of a draft executive decree on that subject that is currently before the Ministry of the Interior.[23]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[24]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[25]
Office of the Ombudsman (Defensoría del Pueblo)	B (2006)	A (2012)

6. UNCT reports that in 2012 the State set up a national standing committee on compliance with and follow-up to the national and international human rights commitments of Panama, comprising several ministries and open to civil society. In the view of UNCT that committee should be strengthened.[26]

7. UNCT points out that the Ombudsman's Office chairs the National Commission against Discrimination. Although the Commission has made efforts to fulfil its mandate, it needs to have adequate human resources and funding.[27]

8. CRC regretted the lack of a comprehensive national plan of action for all children and recommended that Panama adopt a national policy and plans to promote, protect and fulfil the rights of all children.[28]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[30]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	March 2010	–	–	Twenty-first to twenty-third reports overdue since 2013
CESCR	August 2001	–	–	Third report overdue since 2004
HR Committee	April 2008	–	–	Fourth report overdue since 2012
CEDAW	February 2010	–	–	Eighth report overdue since 2014
CAT	May 1998	–	–	Fourth report due in 2016 (initially due in 2000)
CRC	June 2004	2009	October 2011	Fifth and sixth reports due in 2016. Initial reports to OP-CRC-AC and OP-CRC-SC overdue since 2003
CRPD	–	2014	–	Initial report pending consideration
CED	–	–	–	Initial report overdue since 2013

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2011	Rights of indigenous peoples.[30]	–
HR Committee	2009	Prison conditions; situation of refugees; and domestic violence.[31]	Reminders sent.[32]
CEDAW	2012	Legal framework for equality, non-discrimination and a definition of discrimination; and women's health.[33]	Reminders sent.[34]

B. Cooperation with special procedures[35]

	Status during previous cycle	*Current status*
Standing invitation	No	Yes
Visits undertaken	Mercenaries (2002) Indigenous peoples (special visit on the situation of the Charco la Pava community, 2009)	People of African descent (2013) Indigenous peoples (2013)
Visits agreed to in principle	–	–
Visits requested	Independent expert on minorities	
Responses to letters of allegation and urgent appeals	In the period under review, 13 communications were sent. The Government replied to 5 communications.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

9. The Deputy High Commissioner visited Panama in August 2010.[36]

10. The Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for Central America, based in Panama City, supported the establishment of the National Permanent Commission, organizing capacity-building activities for its members, and published a compilation of all recommendations issued by the international human rights mechanisms to facilitate effective follow-up.[37] The Office also carried out initiatives to strengthen the capacity of the National Human Rights Institution, civil society and indigenous organizations and hosted a number of regional activities, including on the investigation of gender-related killings of women.[38]

11. Panama contributed financially to OHCHR in 2010, 2011 and 2012.[39]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

12. UNCT states that Panama is ranked 107th out of 149 countries in the 2013 Gender Inequality Index.[40]

13. In 2013, the Working Group of Experts on People of African Descent recommended that Panama enact anti-discrimination legislation prohibiting discrimination on all grounds, including racial and ethnic discrimination.[41] UNCT notes that Panama has no legislative provisions defining acts of racial discrimination as offences.[42]

14. The Working Group of Experts on People of African Descent concluded that racist practices were deeply rooted in the history of Panama, in slavery, the slave trade and colonialism; the consequences of those historical wrongs had not yet been overcome. The Working Group called on the Government to create educational and cultural programmes that would bring a critical analysis to bear on Panamanian history, identify the sources of racism and enable new generations to learn in an atmosphere of greater understanding and respect among all Panamanians.[43]

15. The Working Group also noted that, despite the inclusion of the "Afro-descendant" category in the 2010 census, the lack of accurate data relating to the demographic and socioeconomic situations of people of African descent constituted a major obstacle to the accurate assessment of their situation.[44]

16. UNCT states that, according to government information from 2013, the Afro-descendant population accounts for 14.6 per cent of the total population of Panama.[45] Although the creation of the National Council of the Black Ethnic Community in 2007 was a step forward, more progress is needed to realize the human rights of the Afro-descendant population. UNCT recommends that the State set up an effective mechanism to deal with the demands of the Afro-descendant population.[46]

17. UNCT recommends that the State prepare a plan for the inclusion of Afro-descendants addressing poverty, sustainable development, access to employment, political participation, prevention of discrimination, criminalization of discrimination, ill-treatment and excessive use of force, education, religion and cultural identity.[47]

18. CRC was concerned at the role played by the media and advertising industries in reinforcing gender-based prejudice and discrimination against, notably, Afro-Panamanian children.[48]

19. The Working Group of Experts on People of African Descent noted that refugees and migrant workers of African descent were particularly vulnerable to racial and ethnic discrimination, and were also exposed to xenophobia.[49]

20. CRC reiterated its concern that children belonging to indigenous groups and Afro-Panamanian children from poorer urban areas suffered discrimination. That situation was compounded when the children were girls and Afro-Panamanian adolescents.[50]

21. UNCT states that, although article 19 of the Constitution prohibits discrimination on grounds of sex, there is no legislation against discrimination against LGBTI persons. Same-sex unions are also not recognized. Homosexual men and women may not join the forces of law and order and according to the National Police regulations homosexuality is a serious offence. LGBTI persons have difficulty in getting jobs and obtaining health services and in many cases are forced to drop out of formal education because of their gender identity. UNCT further states that it is only possible to request a change of identity in official documents if the person has undergone genital reconstruction surgery.[51]

22. UNCT recommends that the State adopt legislation penalizing discrimination against LGBTI persons, move towards adoption of the law recognizing civil unions between persons of the same sex, and promote the law on gender identity so that people do not have to undergo surgery in order to have their papers altered.[52]

B. Right to life, liberty and security of the person

23. UNCT reports that on several occasions serious objections have been raised to action by the police, in particular during the protest demonstrations at Colón and San Félix in 2012, when several people lost their lives or were seriously injured.[53] In 2013 several special procedures sent letters regarding these events.[54] UNCT recommends that the State review its protocols for police action and fully incorporate international human rights standards into training for the security forces,[55] and identify and punish those responsible and compensate the victims.[56] It also recommends promoting the legislative and regulatory reforms required to move forward with the modernization of the police force and its career structure, and to guarantee the independence of internal oversight mechanisms.[57]

24. CRC expressed concern at the recurrent cases of fires in juvenile detention centres, including two incidents in the Tocumen detention centre in November 2009 and January 2011 which resulted in the death of several detainees, and at the manner in which the police responded during the fires. CRC recommended that Panama complete thorough investigations of all incidents of fire, deaths and injuries in juvenile detention facilities.[58]

25. In 2010, the Committee against Torture (CAT) inquired about measures taken by Panama to prevent police officers and civilian prison guards from inflicting physical and mental ill-treatment on detainees,[59] and to put an end to police brutality and excessive use of force.[60]

26. The Working Group of Experts on People of African Descent recommended that Panama take all necessary steps to prevent and punish violence, acts of torture, cruel, inhuman or degrading treatment and all violations of human rights affecting people of African descent committed by State officials;[61] eradicate the use of racial profiling;[62] and pay particular attention to conditions of imprisonment and to the large numbers of people of African descent who were deprived of their liberty in the country.[63]

27. CRC was concerned at discrimination by police and other security forces against Afro-Panamanian children living in marginalized neighbourhoods. It recommended that Panama combat the negative association of Afro-Panamanian and other adolescents with crime.[64]

28. UNCT reports that prison overcrowding has reached critical levels.[65] UNCT recommends that the State establish without delay the national prevention mechanism under OP-CAT[66] and ensure access to prisons by human rights organizations.[67]

29. UNCT warns that there are high levels of violence against women. According to information from the Ombudsman's Office there were 200 femicides between 2009 and 2013. UNCT points out that Act No. 82 was adopted in 2013, defining femicide as an offence and penalizing violence against women, and recommends that the Act should be regulated as soon as possible and protocols prepared to enable it to be properly applied.[68]

30. CRC was concerned that the law did not expressly prohibit corporal punishment in the home and in schools. It recommended that Panama explicitly prohibit in its legislation all forms of corporal punishment of children.[69] CAT inquired about measures adopted to combat the increase in the number of cases of sexual abuse of children, especially girls.[70] CRC also encouraged Panama to eliminate all forms of violence, including abuse and neglect of children.[71]

31. CRC took note of the commitment of Panama under the 2010 UPR to enforce and amend its legislation on trafficking in women and girls.[72] UNCT states that, according to Act No. 79/2011 on trafficking in persons, the victims of trafficking have a right to migrant protection but the protection is limited in practice by procedural considerations.[73]

32. UNCT states that Act No. 36/2013 on migrant smuggling contains preventive measures and measures on victim assistance, as well as on investigation and punishment of the offence.[74]

C. Administration of justice, including impunity and the rule of law

33. UNCT recalls that the Constitution stipulates that judges shall be independent in the exercise of their duties. However, the fact that there is no security of tenure for judges means that their appointment may be open to political influence. The bill on the career structure of the judiciary recently submitted by the Supreme Court to the Legislative Assembly is a step forward. UNCT recommends that efforts to implement the programme of the State Covenant for Justice should be pursued.[75]

34. UNCT further states that implementation of the new adversarial criminal justice system, in place since 2011 and regarded as a mark of progress, was halted by Act No. 8/2013, which meant that Panama had two trial systems in place. UNCT recommends that the State promptly implement the adversarial system throughout the country, apply pretrial detention sparingly and only as an exceptional measure, and increase and reinforce the use of alternative measures to imprisonment.[76]

35. CRC was concerned that the conditions in the juvenile detention centres and the pretrial and detention centres for children in conflict with the law in Panama were very poor.[77] UNCT recommends that the State introduce alternative non-custodial measures for adolescents in conflict with the law.[78]

36. CRC was concerned at the reduction of the age of criminal responsibility from 14 to 12 years, and recommended that Panama bring the juvenile justice system fully into line with the Convention.[79]

D. Right to marriage and family life

37. While appreciating Panama's commitment during the 2010 UPR review to improve birth registration,[80] CRC noted that in remote parts of the country, indigenous children, children born to refugee parents and children of migrants were still not registered. It recommended that children born in remote areas were duly registered at birth.[81]

38. CRC remained concerned at the disparity in the minimum age of marriage, set for boys at 16 and for girls at 14. It recommended that Panama raise the minimum legal age for marriage for boys and girls to 18, as noted during the 2010 UPR.[82]

39. CRC was concerned at the high and growing numbers of children placed in alternative-care institutions. It recommended that Panama develop alternatives for family-based modalities.[83]

E. Freedom of movement

40. CRC was concerned at an alarming social perception regarding an increase in juvenile delinquency,[84] and that curfews for children had been put in place in three major cities. In 2010, that had resulted in the detention of 5,148 children. It recommended that curfew measures targeted at children be immediately lifted.[85]

F. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

41. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recorded no killings of journalists between 2008 and 2013. Journalists generally worked in a safe environment.[86]

42. UNESCO reported that, while defamation against high-ranking officials remained a criminal offence, it was not subjected to penal sanctions.[87] UNESCO recommended that Panama decriminalize defamation and place it within the Civil Code, in accordance with international standards.[88]

43. UNCT points out that Panama is one of the countries in the region with the lowest percentage of women members of Parliament (12 per cent in the Assembly elected in 2014). Moreover, there are no women members of the Supreme Court.[89]

44. The Special Rapporteur on the rights of indigenous peoples recommended that Panama respect the right of indigenous peoples to elect their authorities in line with their traditional forms of representation.[90]

G. Right to work and to just and favourable conditions of work

45. UNCT states that Panama has not yet fully brought its national labour legislation into line with the international framework, notably in respect of trade union freedoms and collective bargaining. It recommends various legislative reforms for effective compliance with the State's international obligations in respect of labour law.[91]

46. UNCT states that a study carried out in 2012 by the Economic Commission for Latin America and the Caribbean (ECLAC) showed that there was an 11 per cent wage gap between men and women.[92]

47. CRC was concerned that authorities continued to apply the Constitutional provision of 14 years as the minimum age for admission to employment, despite the existence of Law

17/2000 establishing 15 years. It was also concerned at legal provisions allowing permits to be granted for children aged between 12 and 14 to work in agriculture and domestic service. It recommended that Panama harmonize its legislative framework with the standards established in ILO Convention No. 138, and eradicate child labour.[93]

H. Right to social security and to an adequate standard of living

48. CRC was concerned at the persistent high rate of poverty and noted the efforts of Panama to mitigate the negative consequences of poverty and inequality.[94]

49. UNCT states that Panama has reduced malnutrition rates, from 23.3 per cent in 1990–1992 to 8.7 per cent in 2011–2013.[95] There has however been an increase in the monthly cost of the basic food basket and the diet of poorer sectors of the population is based on foods containing more fat and sugar and fewer vitamins and minerals.[96]

50. The Working Group of Experts on People of African Descent noted that in Panama, the poorest sectors were those comprised of indigenous peoples and people of African descent.[97] It recommended that Panama adopt urgent measures to put an end to the structural discrimination that affected people of African descent.[98]

51. The Special Rapporteur on the rights of indigenous peoples noted that extreme poverty levels among indigenous peoples were alarmingly high, with 89.8 per cent of them living in poverty.[99] Additionally, the situation in terms of access to basic services was a cause for concern and was undoubtedly exacerbated by the remoteness of many communities and homes.[100]

52. The Special Rapporteur recommended that Panama increase the efforts and resources devoted to narrowing the gap between indigenous peoples and other Panamanians in terms of access to education, health and economic development.[101]

53. UNCT reports that, in 2010, 91.8 per cent of the population had access to drinking water but that there are problems with continuity of provision. In addition, in indigenous areas, more than 50 per cent of the population has no drinking water.[102] The situation with regard to sanitation is similar.[103]

54. In the view of UNCT the question of ageing should be ranked as a State policy, with the necessary resources for programmes for older persons. It recommends that the State create a national forum on older persons.[104]

I. Right to health

55. CRC was concerned that the highest rates of malnutrition and child mortality were recorded amongst indigenous children.[105] UNCT reports that there are no third-level hospitals or specialist services in the indigenous territories, and that this is reflected in the high maternal and infant mortality rates.[106]

56. CRC was concerned at the high number of teenage pregnancies, particularly amongst indigenous and Afro-Panamanian girls. It recommended that children have access to sex and reproductive health education at school and that Panama address the root causes of teenage pregnancies.[107] UNCT encourages the State to adopt preliminary bill No. 085 on sexual and reproductive health, submitted in August 2014, and to introduce comprehensive age-appropriate sex education at all levels in order to reduce adolescent pregnancy rates and sexual offences.[108]

57. CRC was concerned that there were no programmes for children with HIV/AIDS, that indigenous boys and girls were at greater risk of infection, and that there was a lack of

prevention strategies for adolescents.[107] UNCT recommends that the State ensure universal access to HIV testing under the public health system, open further "friendly clinics" nationwide for key groups and guarantee access to health services for members of groups at risk.[110]

J. Right to education

58. CRC welcomed the achievement of universal enrolment in primary education and the 2010 legislation recognizing the right of indigenous people to bilingual and intercultural education. It recommended that Panama address the issue of non-completion and children dropping out of schools, and improve access to preschool and basic compulsory education in rural areas.[111] UNESCO recommended that Panama further eliminate social discrimination in the education system,[112] and promote human rights education.[113]

59. The Working Group of Experts on People of African Descent recommended that Panama provide sufficient budgetary resources and adopt measures, including affirmative action policies, to ensure equal access to education for people of African descent, particularly at the higher level.[114] It also recommended that the Government develop specific study programmes that recognized the history of people of African descent, their contribution and their culture.[115]

60. The Special Rapporteur on the rights of indigenous peoples noted that academic achievement levels among indigenous peoples were improving. However, the gap in that regard between indigenous peoples and the non-indigenous population remained wide. He added that indigenous peoples faced a number of obstacles in terms of their access to education, including a shortage of schools, particularly secondary schools in the indigenous regions (*comarcas*).[116]

61. UNCT notes the inadequacy of the educational infrastructure in several areas where Afro-descendant groups live, for example Colón, Darién and Bocas del Toro, where secondary education coverage is below the national average.[117]

62. CRC was concerned at proposed changes to existing legislation aimed at separating pregnant girls into special education facilities, against which it strongly advised.[118]

63. UNESCO noted that measures had been taken to enhance inclusive education for students with disabilities. However, Panama had not taken sufficient measures to improve the transportation system and build new structures.[119] UNESCO recommended that Panama increase access to education for students with disabilities by improving means of transport and education infrastructure.[120] CRC recommended that Panama integrate the majority of children with disabilities into a system of inclusive education in regular schools.[121]

64. UNCT notes that refugee children do not always have access to the education system since most of them do not have the papers required by the Ministry of Education. A draft executive decree simplifying the requirements and facilitating access to education for refugee children is awaiting adoption.[122]

K. Cultural rights

65. The Working Group of Experts on People of African Descent recommended that Panama promote the right to cultural identity, including the right of people of African descent to maintain their way of life and cultural expressions.[123]

L. Persons with disabilities

66. UNCT states that specialist surveys put the population with disabilities at 11.3 per cent of the total population and that most of them live in poverty.[124]

67. UNCT encourages the State to mainstream the rights of persons with disabilities across all public policies, reinforce the National Secretariat for Persons with Disabilities (SENADIS) and standardize protocols and guidelines across all rehabilitation services at the national level.[125]

M. Indigenous peoples

68. The Special Rapporteur on the rights of indigenous peoples stated that the *comarca* system provided a significant level of protection for the rights of indigenous peoples, especially with regard to lands and territories, participation and self-governance, and health and education.[126] He indicated, however, that Panama was faced with a series of issues related to the enforcement and protection of the rights of indigenous peoples, particularly in connection with their lands and natural resources, the implementation of large-scale investment projects, self-governance and participation, and social and economic rights.[127]

69. The Special Rapporteur on the rights of indigenous peoples recommended that Panama seek out ways of engaging in an ongoing dialogue with indigenous representatives;[128] ensure that indigenous peoples played an appropriate role in the formulation of a bill on prior consultation of indigenous peoples;[129] take the necessary steps to prevent third parties from entering recognized or claimed indigenous territories and punish any persons illegally present on those lands;[130] and ensure that natural resource development projects were implemented on the basis of consensual agreements with the peoples concerned in a manner beneficial to those peoples and respectful of their human rights.[131]

70. In the light of recent experiences with the implementation of hydroelectric projects without appropriate consultations with the indigenous communities concerned, such as the Barro Blanco and Chan 75 projects, the Special Rapporteur on the rights of indigenous peoples also recommended that the Government establish, in coordination with indigenous representatives, a governing framework for a system of consultations to be applied in the case of hydroelectric and extractive projects that had an impact on indigenous peoples.[132] In 2012, under its early warning mechanisms and urgent action procedures, CERD considered the case of a clash between the indigenous Ngäbe-Buglé communities and the security forces during protests against the construction of a hydroelectric dam in western Panama at which two demonstrators were killed, others were injured and many were arrested. CERD urged Panama to protect indigenous leaders and communities from intimidation as a result of their protests and opposition to mining, hydroelectric and tourism projects.[133]

71. UNCT reports that the Plan for the Comprehensive Development of the Indigenous Peoples of Panama was prepared as part of a dialogue between the Ngäbe and Buglé peoples in 2012.[134] UNCT encourages the Government to promote the approval of the Plan in the National Assembly and allocate a budget for implementation, strengthening governance in the indigenous territories and respecting and empowering the traditional authorities.[135]

72. UNCT notes that the State granted title to three indigenous territories under Act No. 72/2008 on Communal Lands and that the land title procedure for other territories was under way for other territories.[136] UNCT encourages the State to step up its action to guarantee territorial sovereignty to the indigenous peoples that have collective title to their

lands and also to speed up the procedure for communities that have requested collective title to their lands.[137]

N. Migrants, refugees and asylum seekers

73. UNCT states that, despite legislative measures to promote the integration of refugees,[138] a series of challenges remain. It recommends that the State improve coordination between the Migration Service, the Refugee Office, the Border Service and the police; strengthen the Migrant and Refugee Unit of the Ombudsman's Office;[139] establish a legal mechanism to enable asylum seekers to obtain a temporary work permit while their status is being determined; and replace the term "refugee" on refugees' identity cards and work permits by a generic code showing their legal status.[140]

74. CRC was concerned at the lack of an adequate system of identification of refugee and asylum-seeking children and that, consequently, children were sometimes repatriated without assessment of their situation. It recommended that Panama improve the fairness of the refugee determination system.[141]

75. UNCT reports that migrants were facing obstacles such as differentiation in policies based on nationality, a tightening of legalization procedures, increases in procedural costs, hefty fines and an increase in operatives by the migration authorities.[142] It also reports that there has been a feminization of migration as result of the growing demand for low- and medium-skilled labour in jobs with little protection.[143] UNCT recommends that the State guarantee migrant women's human rights and labour rights, particularly where they are doing domestic work, caring for children, the sick or older persons, or working as sex workers.[144]

76. UNCT also recommends that the State run information campaigns on migrants' rights;[145] that migrants are detained only in exceptional circumstances and that, in situations where deprivation of liberty is justified, there is judicial oversight of detention and a guaranteed right of appeal that is adequate and effective, in accordance with international human rights obligations;[146] and that the State prepare a comprehensive policy on migration guaranteeing migrants' rights in accordance with the principle of non-discrimination.[147]

O. Right to development, and environmental issues

77. The Working Group of Experts on People of African Descent recommended that Panama adopt measures that allowed people of African descent to realize the right to development, taking into account the need to redress historical injustices through development programmes.[148]

78. UNCT notes that the increase in social conflict over natural resources has exposed the fragility of the State dispute-settlement and environmental protection institutions,[149] the indigenous peoples being the worst affected.[150] UNCT adds that the lack of special environmental courts prevents the assertion of the right to a healthy environment. In addition, the weakness of mechanisms for involving the public at large, particularly in the analysis of environmental impact studies for development projects, is making it difficult to protect the environment.[151] UNCT recommends reviewing the Inter-Agency Environmental System to increase the efficiency of environmental management.[152]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Panama from the previous cycle (A/HRC/WG.6/9/PAN/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[5] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[6] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, at https://www.icrc.org/IHL.

[7] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182

concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[8] 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[9] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, at https://www.icrc.org/IHL.

[10] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

[11] Concluding observations of the Committee on the Rights of the Child (CRC/C/PAN/CO/3-4), para. 82.

[12] UNCT submission to the UPR on Panama, para. 7.

[13] For the full text of the recommendations, see the report of the Working Group on the Universal Periodic Review: Panama (A/HRC/16/6), recommendations 68.2 (Uruguay), 68.3 (Algeria and Guatemala), 68.4 (Chile), 70.2 (France), 70.3 (Argentina), 70.4 (Spain), 70.5 (Ecuador), 70.6 (Haiti), 70.7 (Brazil and Norway) and 70.8 (Ecuador).

[14] UNCT submission, para. 8.

[15] UNCT submission, para. 10. See also CRC/C/PAN/CO/3-4, para. 82.

[16] Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: The status of indigenous peoples' rights in Panama (A/HRC/27/52/Add.1), para. 75 (c).

[17] UNCT submission, paras. 10 and 74.

[18] CRC/C/PAN/CO/3-4, para. 81.

[19] UNCT submission, para. 10.

[20] Ibid., para. 68.

[21] CRC/C/PAN/CO/3-4, para. 9.

[22] Ibid., para. 36.

[23] UNCT submission, para. 117.

[24] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles); B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).

[25] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/27/40, annex.

[26] UNCT submission, para. 12.

[27] Ibid., paras. 11 and 85.

[28] CRC/C/PAN/CO/3-4, paras. 13–14.

[29] The following abbreviations have been used in the present document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Committee on the Rights of Persons with Disabilities
CED	Committee on Enforced Disappearances
SPT	Subcommittee on Prevention of Torture

[30] Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/PAN/CO/15-20), para. 28.

[31] Concluding observations of the Human Rights Committee (CCPR/C/PAN/CO/3), para. 23.

[32] Letters from HR Committee to the Permanent Mission of Panama to the United Nations Office and other international organizations in Geneva, dated 27 August 2009, 11 December 2009, 23 April

2010, 28 September 2010, 10 May 2011 and 24 April 2012. Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PAN/INT_CCPR_FUL_PAN_12312_S.pdf, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PAN/INT_CCPR_FUL_PAN_12311_S.pdf, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PAN/INT_CCPR_FUL_PAN_12308_S.pdf, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PAN/INT_CCPR_FUL_PAN_12307_S.pdf, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PAN/INT_CCPR_FUL_PAN_12300_S.pdf, and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PAN/INT_CCPR_FUL_PAN_12313_S.pdf (accessed 30 December 2014).

[33] Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/PAN/CO/7), para. 58.

[34] Letters from CEDAW to the Permanent Mission of Panama to the United Nations Office and other international organizations in Geneva, dated 17 September 2012 and 20 March 2013. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PAN/INT_CEDAW_FUL_PAN_13608_E.pdf, and http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PAN/INT_CEDAW_FUL_PAN_13609_E.pdf (accessed 30 December 2014).

[35] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[36] See press release "Derechos Humanos: visita de alto nivel de Naciones Unidas a Panamá". Available from www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=10241&LangID=S.

[37] OHCHR Report 2012, p. 227.

[38] OHCHR Report 2013, pp. 258–259.

[39] OHCHR Report 2010, pp. 79 and 97; OHCHR Report 2011, pp. 125, 135, 149, 155 and 174; OHCHR Report 2012, pp. 117, 127, 142, 147 and 167.

[40] UNCT submission, para. 59.

[41] Report of the Working Group of Experts on People of African Descent on its twelfth session: Mission to Panama (A/HRC/24/52/Add.2), para. 105 (a).

[42] UNCT, para. 85.

[43] A/HRC/24/52/Add.2, para. 93.

[44] Ibid., para. 94.

[45] UNCT submission, para. 82.

[46] Ibid., para. 83.

[47] Ibid., para. 91.

[48] CRC/C/PAN/CO/3-4, para. 29.

[49] A/HRC/24/52/Add.2, para. 95. See also UNCT submission, para. 89.

[50] CRC/C/PAN/CO/3-4, para. 80. See also CRC/C/PAN/CO/3-4, paras. 33 and 54.

[51] UNCT submission, paras. 92–96.

[52] Ibid., paras. 95–97.

[53] Ibid., paras. 16 and 23. See also List of issues adopted by the Committee against Torture prior to the submission of the fourth periodic report of Panama (CAT/C/PAN/Q/4), paras. 37–38.

[54] Communications report of Special Procedures: Communications sent, 1 December 2012 to 28 February 2013; Replies received, 1 February to 30 April 2013 (A/HRC/23/51), p. 37. See also Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai: Observations on communications transmitted to Governments and replies received (A/HRC/23/39/Add.2), paras. 313–316.

[55] UNCT submission, para. 24.

[56] Ibid., para. 16.

[57] Ibid., para. 25.

[58] CRC/C/PAN/CO/3-4, paras. 43–44. See also CRC/C/PAN/CO/3-4, para. 75.

[59] CAT/C/PAN/Q/4, para. 7.

[60] Ibid., para. 28.

[61] A/HRC/24/52/Add.2, para. 105 (q).

[62] Ibid., para. 105 (p).

[63] Ibid., para. 105 (t).

[64] CRC/C/PAN/CO/3-4, paras. 33–34.

[65] UNCT submission, para. 17. See also CAT/C/PAN/Q/4, para. 35.

[66] UNCT submission, para. 17.
[67] Ibid., para. 20.
[68] Ibid., para. 65. See also CAT/C/PAN/Q/4, para. 8.
[69] CRC/C/PAN/CO/3-4, paras. 45–46. See also CAT/C/PAN/Q/4, para. 39.
[70] CAT/C/PAN/Q/4, para. 9.
[71] CRC/C/PAN/CO/3-4, para. 47. See also UNCT submission, para. 67.
[72] CRC/C/PAN/CO/3-4, para. 70. For the full text of the recommendation, see A/HRC/16/6, recommendations 68.22 (Haiti).
[73] UNCT submission, para. 104.
[74] Ibid., para. 105. See also CRC/C/PAN/CO/3-4, paras. 70–71.
[75] UNCT submission, para. 13.
[76] Ibid., paras. 14–15.
[77] CRC/C/PAN/CO/3-4, para. 75. See also CAT/C/PAN/Q/4, para. 36.
[78] UNCT submission, para. 20.
[79] CRC/C/PAN/CO/3-4, paras. 74 and 76.
[80] For the full text of the recommendations, see A/HRC/16/6, recommendations 68.27 (Mexico), 68.28 (Nigeria) and 68.29 (Haiti).
[81] CRC/C/PAN/CO/3-4, paras. 39–40.
[82] Ibid., paras. 31–32. See also UNCT submission, para. 72. For the full text of the recommendation, see A/HRC/16/6, recommendation 70.17 (Nigeria).
[83] CRC/C/PAN/CO/3-4, paras. 48–49.
[84] Ibid., para. 74.
[85] Ibid., paras. 41–42.
[86] UNESCO, submission to the UPR on Panama, para. 24.
[87] Ibid., para. 21.
[88] Ibid., para. 29.
[89] UNCT submission, para. 59.
[90] A/HRC/27/52/Add.1, para. 75 (m).
[91] UNCT submission, paras. 52–53.
[92] Ibid., para. 60.
[93] CRC/C/PAN/CO/3-4, paras. 66–67. See also UNCT submission, para. 51.
[94] CRC/C/PAN/CO/3-4, para. 60.
[95] UNCT submission, para. 31.
[96] Ibid., para. 32.
[97] A/HRC/24/52/Add.2, para. 96. See also CRC/C/PAN/CO/3-4, paras. 33, 54 and 80.
[98] A/HRC/24/52/Add.2, para. 105 (b).
[99] A/HRC/27/52/Add.1, para. 58.
[100] Ibid., para. 59. See also UNCT submission, paras. 67–71 and CRC/C/PAN/CO/3-4, para. 54.
[101] A/HRC/27/52/Add.1, para. 75 (n).
[102] UNCT submission, para. 42.
[103] Ibid., para. 43.
[104] Ibid., para. 101.
[105] CRC/C/PAN/CO/3-4, para. 54.
[106] UNCT submission, para. 81.
[107] CRC/C/PAN/CO/3-4, paras. 56–57. See also UNCT submission, para. 63.
[108] UNCT submission, para. 64.
[109] CRC/C/PAN/CO/3-4, para. 58. See also UNCT submission, para. 46.
[110] UNCT submission, para. 49.
[111] CRC/C/PAN/CO/3-4, paras. 62–63. See also UNCT submission, paras. 35–36.
[112] UNESCO submission, para. 28.4.
[113] Ibid., para. 28.2.
[114] A/HRC/24/52/Add.2, para. 105 (h).
[115] Ibid., para. 105 (k). See also UNCT submission, para. 86.
[116] A/HRC/27/52/Add.1, paras. 64–65.
[117] UNCT submission, para. 88.
[118] CRC/C/PAN/CO/3-4, paras. 56–57.

[119] UNESCO submission, para. 27.
[120] Ibid., para. 28.3.
[121] CRC/C/PAN/CO/3-4, para. 53.
[122] UNCT submission, para. 115.
[123] A/HRC/24/52/Add.2, 105 (m).
[124] UNCT submission, para. 102.
[125] Ibid., para. 103. See also CRC/C/PAN/CO/3-4, para. 53.
[126] A/HRC/27/52/Add.1, para. 72.
[127] Ibid., para. 74.
[128] A/HRC/27/52/Add.1, para. 75 (a).
[129] Ibid., para. 75 (b).
[130] Ibid., para. 75 (g).
[131] Ibid., para. 75 (h).
[132] Ibid., para. 75 (i). See also CRC/C/PAN/CO/3-4, paras. 27–28.
[133] Letter from the chairperson of CERD to the Permanent Mission of Panama to the United Nations Office and other international organizations in Geneva, dated 9 March 2012. Available from www2.ohchr.org/english/bodies/cerd/docs/CERD_Panama.pdf (accessed 30 December 2014).
[134] UNCT submission, para. 77.
[135] Ibid., para. 78.
[136] Ibid., para. 76.
[137] Ibid., para. 79.
[138] Ibid., para. 113.
[139] Ibid., para. 111.
[140] Ibid., para. 114.
[141] CRC/C/PAN/CO/3-4, paras. 64–65.
[142] UNCT submission, para. 106.
[143] Ibid., para. 108.
[144] Ibid., para. 110.
[145] Ibid., para. 112.
[146] Ibid., para. 107.
[147] Ibid., para. 109.
[148] A/HRC/24/52/Add.2, para. 105 (c).
[149] UNCT submission, para. 54. See also A/HRC/24/52/Add.2, para. 105 (e).
[150] UNCT submission, para. 55.
[151] Ibid., para. 56.
[152] Ibid., para. 57.